

DIST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	n 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
1085/4	75 0486	10 24 75	3	840	1					8509		75 0486-B

PLAINTIFFS

KENCO ENGINEERING COMPANY

DEFENDANTS

THE AMERICAN CRUCIBLE PRODUCTS
COMPANY

CAUSE

Title 15 USC 1071(b) Declaratory Judgment and Appeal of Decision of Trademark
Trial and Appeal Board of the U.S. Patent and Trademark Office

ATTORNEYS

James R. Head
212 Beacon Building
Tulsa, OK 74103
584-4187William D. Mooney
Arthur L. Cain
Cain & Lobo
11925 Pearl Road
Cleveland, Ohio 44136
(216-238-9200)

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	11-01-75
				JS-6	12-1-76

DATE 1975	NR.	PROCEEDINGS
10-24	1.	Complaint and Petition appealing decision of trademark trial and appeal board of U. S. Patent and Trademark Office, filed. Summons issued.k
10-24	2.	Pltf's interrog.to Defendant, filed.k
12-1	3	Defendant's Motion to dismiss for lack of jurisdiction over the person, insufficiency of service and improper venue under FRCP 12(b)2, 3 and 5 and to strike under Rule 12(f), with supporting brief, filed. g
12-1	4	Mot. of deft. for ext. of time to answer or object to pltf's interrogatories until 30 days after mot. to dismiss is ruled on, filed. g
12-1	5	Proof of service, filed. g
12-1	MO	Ordered by Ct. that pltf. file responsive brief to deft's motion to dismiss, and objections to extension of time to answer or objects to interros. (AEB-J)g
11-28		Summons, ret. & filed: compl. & interrog. served on Geo. Werner, Treasurer, The American Crucible Products Co., Lorain, Oh. 11-11-75. (USM \$14.72)g
12-10	6	Pltf's Mot. to Compel Deft to Ans. Interrog. & Mot. for Ext. of time to file responsive brief, (to dismiss Deft's. Mot.), filed.tc
12-10	7	Pltf's Brf. in support of Mot. to compel ans. to interrog. and for additional time to file responsive brf. to Deft's Mot., filed.tc
12-10	MO	It is ord. by the court that Deft., is granted 10 days from this dt. to resp. to Pltf's., Mot. to Compel Deft. to Ans. Interrog. & Mot. for Ext. of time to file responsive brief.tc lts. mld.
12-29	8.	Mot. for ext. of time to respond to mot. to compel Deft. to ans. interros., etc., until 12-30, filed. v (o)
12-30	9.	Order, filed, granting deft. untill 12-30-75 to respond to the mo. to compel deft. to ans. Interros. and mo. for ext. of time to file resp. brief. (AEB-J)ph cps mld
<u>1976</u>		
1-5	10.	Deft's memorandum opposing pltf's mot. to compel deft. to ans. interros. & mot. for ext. of time, filed. g
1-7	11.	Order, filed, that Deft. answer interros. propounded within 20 days, further ordered that Pltf. respond to mo to dismiss 10 days thereafter. (AEB-J)ph cps. mld.
1-8	12.	Deft.'s mo. for temporary relief from Rule 5(h), filed. ph (no brief per MC)
1-12	MO	Case referred to Mag. Bradford for F&R re pending motions. (AEB-J)k
1-29	13.	Deft's answers and objections to interros., filed. ph
1-29	14	Deft's motion for protective order, filed with/memorandum & proof of service. g
1-29	MO	Ordered that pltf. is granted 10 days from this date to respond to deft's mot. for protective order. (AEB-J)g
2-10	15.	Mo. of Pltf. for/additional ext. of time to respond to mo. to dismiss, filed.ph
2-10	16.	Mo. & Brief of Pltf. to compel discovery in response to Deft's mo. for protective order FRCP 37, filed. ph
2-10	MO:	It is ordered by the Ct. that the Deft. file a responsive brief within 10 days to the Pltf.'s mo. & brief to compel discovery in response to deft's mo. for protective order RFCEP 37. (AEB-J)ph cps mld.
2-17	17.	Order, filed, that Pltf. respond to Mot. to Dismiss 10 days after Ct.'s ruling or etc. (AEB-J)v -cps. mld.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF KENCO ENGINEERING CO.	DEFENDANT THE AMERICAN CRUCIBLE PRODUCTS CO.	DOCKET NO. <u>75-C-486</u> ^B
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
2-23-76	18.	Deft's memorandum opposing pltf's mot. to compel discovery in response to deft's mot. for protective order FRCP 37, filed. g
2-25	MO	Case set for hrg. on pending mots. before Mag. Bradford on 3-17-76 at 9:00 a.m. (MLB-Mag)k ntc by KT
3-17	MO	Case called for hrg. on pending mots. Parties present. Mag. finds that pltf's mot. to compel ans. to interrog. should be sustained as to period of 1-69 to 4-76 covering business activities; pltf's mot. for time to respond to mot. for protective order be overruled as moot; pltf's mot. to compel discovery in response to deft's mot. for protective order should be denied; that deft's mot. to dismiss be passed to next motion docket; deft's mot. for time to ans. interrog. after ruling on mot. to dismiss be overruled as moot; deft's memorandum opposing pltf's mot. to compel be overruled as moot; deft's mot. for temporary relief from local rule 5(h) be granted; and that deft's mot. for protective order be denied as moot. Pltf. counsel to prepare F&R and proposed Order w/in 5 days. (MLB-Mag)k
3-19	MO	Case set for hrg. on deft's mot. to dismiss before Mag. on 4-14-76 at 2:00 p.m. (MLB-Mag)k ntc by KT
3-24	19.	Findings and Recommendations of Magistrate, filed. (MLB-Mag)k cps mld
4-9	MO	Upon oral request of Deft. counsel, case is passed to next Mag. mot. docket. (MLB-Mag)k ntc by KT
4-16	MO	Case set for hrg. on deft's mot. to dismiss and to strike before Mag. on 5-12-76 at 9:30 a.m. (MLB-Mag)k ntc by KT
5-3	MO	Upon oral request of deft. counsel, mot. hrg. set for 5-12-76 at 9:30 a.m. passed to June motion docket. (MLB-Mag)k parties ntf. by KT
5-17	20	Order, filed, that Deft's Mot. for a Protective Order be granted in part and denied in part; ORDERED that Deft's Mot. for Temp. Relief from Local Rule 5(H) be granted until a ruling upon Deft's Mot. to Dismiss; ORDERED that pltf's Mot. to compel Discovery be granted to the extent that the Deft. need only answer the Interrog as to facts and circumstances and information since 3-27-69 & Deft shall file and serve answers to the Interrog propounded & filed Oct. 24, 1975 on or before April 5, 1976, and consistent with this Court's Order filed Feb. 17, 1976 the Pltf shall then have ten (10) days thereafter to respond to Deft's Mot. to Dismiss. (AEB-J)t cps. mld.
5-20	MO	Case set for hrg. on deft's mot. to dismiss and to strike, before Mag. Bradford on 6-23-76 at 9:30 a.m. (MLB-Mag)k ntc by KT
6-9	MO	Mag. hrg. set for 6-23-76 at 9:30 a.m. is hereby stricken, to be re-set by Mag. (MLB-Mag)k ntc by KT
7-14	MO	Case set for hrg. on deft's mot. to dismiss & to strike before Mag. on 8-11-76 at 9:30 a.m. (MLB-Mag)k ntc by KT

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1976			
8-11		Case called for hearing on deft's motions. Upon request of Arthur L. Cain whose father died on 8-9-76, & concurrence of co. for Pltf., hearing on motion stricken, to be reset on Sept. docket. (MLB-Mag)b	
8-18	MO	Case set for hrg. on deft's mots to dismiss and to strike before Mag. on 9-15-76 at 9:00 a.m. (MLB-Mag)k ntc by KT	
9-15	MO	Case called for hrg. on deft's mot. to dismiss & to strike. Parties represented. Hrg. passed to next docket by agreement of parties. Deft. to answer pltf's interrgs. on or before 10-1-76. Pltf to file responsive brief to mot. to dismiss w/in 10 days thereafter (10-11) & deft. to reply w/in 10 days thereafter. Deft. to prepare F&R & proposed Order w/in 5 days. (MLB-Mag)k	
9-20	21.	Findings & Recommendations of the Magistrate, filed. Deft. to ans. interrog. by 10-1-76 & pltf. to respond to mot. to dismiss & to strike by 10-11-76. Hrg. on matter set for 10-14-76. (MLB-Mag)k cps mld	
9-28	MO	Case set for hearing before Magistrate on Deft's Mot. to Dismiss on 10-14-76 at 9:00 A.M. (MLB-Mag) ntc by KT	
10-4	22.	Deft's supplemental answers to pltf's interrgs w/attachment, filed.s	
10-8	23.	Pltf's brief in opposition to deft's mot. to dismiss and strike, w/exhibits attached, filed.s	
10-13	24.	Order, filed, that hearing on Deft's Mot. to Dismiss for Lack of Jurisdiction over the Person, Insufficiency of Service and Improper Venue under FRCP 12(b), 2, 3 and 5 and to Strike under Rule 12(f) be stayed, and further that on or before 10-1-76 deft. shall file and serve its Answers to the Interrgs. propounded 10-24-75, and that pltf. shall then have ten (10) days thereafter to respond to the deft's mot. to dismiss.s (AEB-J) cps. mld.	
10-14		Case called for hearing on deft's motion to dismiss before Mag. Bradford. Parties represented. Deft's motion sustained & Deft. to file F&R in 10 days & prepare order. (MLB-Mag) b	
10-29	25.	Findings & Recommendations of the Magistrate, filed. Recommends that deft's mot. to dismiss be sustained. (MLB-Mag)k cps mld	
11-11	26	Order, filed, & entered, that Mot. of Deft. to Dismiss for lack of jurisdiction, Insufficiency of Service and Improper Venue under FRCP 12(b)2, 3 and 5 and to Strike under Rule 12(f) is sustained.s (AEB-J) cps mld	
11-24	27.	Pltf's motion to amend findings and judgment of Mag., filed.s	
11-24	28.	Pltf's brief in support of pltf's motion to amend findings and judgment of Mag., filed.s	
11-24	MO	It is ordered by the Court that the defendant file a responsive brief within ten (10) days to pltf's motion to amend findings and judgment of Magistrate.s (AEB-J) cps. mld.	
12-6	29.	Memo. in opposition to pltf's motion to amend findings and judgment, filed. lm	
12-23	30	Pltf's motion for relief from Order and F&R of Mag., filed. lm	
12-23	31.	Brief in support of pltf's motion to vacate order, filed. lm	
12-23	MO	Ordered by the Court that deft is granted 10 days from this date to file a response to pltf's motion to vacate order. (AEB-J)lm ltrs mld	

CIVIL DOCKET CONTINUATION SHEET

BARROW

75-C-486-B

PLAINTIFF	DEFENDANT	DOCKET NO. _____
KENCO ENGINEERING COMPANY	THE AMERICAN CRUCIBLE PROD. CO.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
1-6	32.	Deft's motion to file response to pltfs' motion for relief from order and findings and recommendations of the mag. out of order, filed.s <i>Appel. 1-6</i>
1-6	MO	The Court has for consideration the deft's mot. to file response to pltf's mot. for relief from Order & F&R of the Mag. out of order, & finds that the same should be granted. IT IS SO ORDERED. (AEB-J)k <i>copy mld</i>
1-6	33.	Deft's memorandum in opposition to pltf's mot. for relief from Order & F&R of magistrate, filed.k
1-6	34.	Deft's proof of service of Mot. to file response out of order & Memo in opposition, filed.k
3-21	35.	Order, filed, that Motion for Relief (motion to amend having been converted) be and the same is hereby granted. (AEB-J)b cps mld

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	

PAGE _____ OF _____ PAGES